

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended.

Applicant notes that claims 24-31 were withdrawn from consideration pursuant to a restriction requirement dated August 27, 2004. Applicant has canceled claims 24-31 without prejudice or disclaimer. Of course, Applicant fully reserves the right to pursue the subject matter of those claims in a separate divisional application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 6-8, 10-12 and 14-22 are now pending in this application.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 1 to delete the phrase “to a communication device.” Claim 1 is now in definite form.

Claims 1, 2, 6-8, 10-12, 14-17 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,925,299 to Sofer et al. (hereinafter “Sofer”) in view of U.S. Patent No. 6,078,820 to Wells et al. (hereinafter “Wells”). Applicant respectfully traverses this rejection for at least the following reasons.

Embodiments of the present invention relate to systems and methods for complete message delivery to a communication device. In some embodiments, a message notification is parsed to determine a set of parameters pertaining to the complete message, and where that set of

parameters is compared to an established set of criteria for retrieving complete messages. Thus, for example, before a complete message is sent, the set of parameters can be used to determine whether or not the second communication network is capable of, or is preferably configured, to efficiently receive and transmit the complete message to a user. As noted in an earlier paper, this process advantageously optimizes the transmission of complete messages by reducing, for example, low throughput due to a large complete message that requires a larger bandwidth than is provided by the second communications network. (*See* also paragraphs [44]-[49] of the specification). Accordingly, independent claim 1 recites “comparing the set of parameters to an established criteria for retrieving complete messages.” Independent claims 10 and 17 recite similar features.

As acknowledged by the Examiner, “Sofer does not disclose parsing the message notification and comparing a set of parameters.” Office Action dated August 8, 2006, Page 3, liens 5-6. The Office Action relies on Wells as disclosing these features of the pending claims. Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Wells.

Wells relates to methods for real-time SMS application messaging. Messages are received by a wireless mobile device, which then determines whether the SMS message has a first transfer format or a second transfer format. Based on the transfer format, the message is either processed normally or is parsed to locate an application identifier. Based on the identification, the application may be started to display the message content or a data entry of the SMS message may be displayed. Significantly, any filtering or parsing in the methods of Wells is done after the complete message has received by the wireless mobile device. The filtering or parsing is not used to determine whether the complete message should be retrieved. Thus, Wells does not teach or suggest “comparing the set of parameters to an established criteria for retrieving complete messages.” Therefore, Wells does not anticipate independent claims 1, 10 and 17.

Thus, claims 1, 10 and 17 are patentable. Claims 2 and 6-8 depend from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable

features when those claims are considered as a whole. Similarly, claims 11, 12 and 14-16 depend from allowable claim 10, and claims 19-22 depend from allowable claim 17. Therefore, claims 11, 12, 14-16 and 19-22 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wells and further in view of U.S. Patent Publication No. 2003/0061503 to Katz et al. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wells and further in view of U.S. Patent Publication No. 2005/0048958 to Mousseau et al. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wells and further in view of U.S. Patent No. 6,625,461 to Bertacchi. Applicant respectfully traverses this rejection for at least the following reasons.

Claims 3 and 4 depend from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claim 18 depends from allowable claim 17 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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